



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF CENTRAL)
NEW JERSEY, INC. FOR A CERTIFICATE)
OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR)
THE TOWNSHIP OF WEST WINDSOR,)
COUNTY OF MERCER, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02100705

Stryker, Tams & Dill, Newark, New Jersey, by Janice Manganello, Esq. for the Petitioner.

Township Clerk, Township of West Windsor, New Jersey, by Sharon Young, for the Township.

BY THE BOARD:

On March 22, 1982, the Board granted Storer Cable Communications of Princeton, Inc. a Certificate of Approval in Docket No. 8111C-6840, for the construction, operation and maintenance of a cable television system in the Township of West Windsor ("Township"). On July 2, 1986, the Board approved the transfer of the Certificate of Approval and internal corporate reorganization, from Storer Cable Communications of Princeton, Inc. to Storer Cable Communications of Central Jersey, Inc. d/b/a/ Storer Cable Communications ("Storer"), in Docket No. CM86050542. On or about September 22, 1988, the Board issued an order approving the transfer of the stock of Storer Communications, Inc. ("SCI"), parent of Storer, to Comcast Corporation, Tele-Communications, Inc. ("TCI") and Knight Ridder, Inc. ("Knight Ridder"), in Docket No. CM88080942. On November 30, 1992, in Docket No. CM92080843, the Board approved the Petition of Comcast Cablevision to acquire TCI's and Knight Ridder's interest in certain SCI subsidiaries. On October 8, 1993, in Docket No. CE92010011, the Board issued a Renewal Certificate of Approval to Storer, to continue to provide cable television to the Township. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Central New Jersey, Inc ("Petitioner"). Although the Petitioner's above referenced Certificate expired on March 22, 2002, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on May 16, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On September 9, 2002, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. On September 17, 2002, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24. On October 15, 2002, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years; however, the term may be extended five additional years for a total of fifteen years, subject to the conditions of Section 15 (a), (b) and (c), and Section 16 (a), (b), (c), (d) and (e) of the ordinance. The Board finds the duration and conditions for expiration to be reasonable.
5. The Township shall conduct a formal review of the Petitioner's performance during the fourth, eighth and if applicable, twelfth years of the franchise, as measured from the expiration of the prior franchise. Six months prior to the start of each review period, the Petitioner shall notify the Township of its obligations to undertake such a review. During any review period, the Township may request that the Petitioner provide the Township with the Petitioner's own review of compliance with the ordinance. Nothing herein shall preclude the Township from initiating a formal review of the Petitioner's performance at any time during the franchise period, nor preclude the municipality from petitioning the Board for any appropriate administrative action.
6. The Petitioner shall provide service along any public right of way to any person's residence or business located in all areas of the franchise territory at standard and non-standard installation rates, as indicated. For all other areas, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the

Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.

9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at: 90 Lake Drive in East Windsor, New Jersey.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner currently provides one system-wide channel for public access, one system-wide channel for leased access and one educational access channel, which is assigned to Mercer County Community College. The Petitioner will also continue to provide Mercer County Community College with the equipment and technology to provide programming to the affected municipalities as stated in the ordinance.
12. The Petitioner maintains a fully equipped operational local production studio for creation of local and access programming.
13. By September 1, 2003, the Petitioner shall provide the Township with a dedicated governmental access channel for use by the Township and its designees for the purpose of cablecasting non-commercial access programming. By September 1, 2003, the Petitioner will: a) construct and maintain, at its own expense, a dedicated fiber return line from the Township's municipal building to the Petitioner's headend; and b) a return line from another site of the Township's choosing to the Petitioner's headend. The Petitioner shall install and maintain at a location of the Township's choosing a switch allowing the Township to automatically switch between the two sites.
14. By September 1, 2003, the Petitioner shall, at its own expense, purchase and install the equipment and wiring necessary for the transmission of access programming, with the exception of access equipment, at the Municipal Building, the West Windsor-Plainsboro School District and the Petitioner's headend. Installation shall be at locations within those facilities as designated by the Township, provided such installation is technically feasible and economically practical.
15. Within six months of issuance of this Certificate, the Petitioner shall pay to the Township a one-time capital contribution in the amount of \$75,000.00 to support technology initiatives, including but not limited to the existing television studio at the West Windsor-Plainsboro High School South, or otherwise used for cable-related purposes as the Township sees fit. Within six months of issuance of this Certificate, the Petitioner shall underwrite the installation of video and editing equipment to the Municipal Building and will upgrade the video sound system in the Council Chambers, up to a total of \$20,000.00; and shall provide either a character generator or the cash equivalent. Upon completion, the Petitioner shall submit proof of its compliance with this provision.

16. As stated in the ordinance, the Petitioner will continue to underwrite its cablecasting of the Township Council meetings and other special municipal events, as requested, until a municipal access station is operational, but for not longer than 18 months from the issuance of this Certificate.
17. Beginning in February 2003, and to be completed no later than December 31, 2003, the Petitioner shall provide the installation and preferred basic service to every instructional space in each school in the West Windsor-Plainsboro School District, which shall include all existing schools and in a manner to comply with the ordinance. The Petitioner shall provide the same benefit to any new school that may be built during the term of the franchise.
18. The Petitioner shall continue to provide free preferred basic service to one drop in the municipal building and each fire department, first aid squad, library, community or senior center, the water plant and public works building that is located in or may be constructed within the Township, provided the facility is within 200 feet of active cable distribution plant. The Petitioner shall provide the same benefit to any new facilities that are constructed during the term of the franchise. The Township will notify the Petitioner of any new facility requiring installation.
19. The Petitioner shall provide basic Internet service via high-speed cable modem on one non-networked personal computer to each school and public library in the Township, at no charge, provided the facility is within 200 feet of active cable distribution plant.
20. Upon written request of the Township, the Petitioner shall appear, at least once annually, at a public meeting of the governing body or its designees, to discuss matters pertaining to the provision of cable service to the residents of the Township and other related issues. Upon request of the Township, the Petitioner shall also provide the Township with copies of reports as stated in the ordinance.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not

limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This term and conditions of expiration of this Certificate are specifically delineated in Section 15 (a), (b) and (c), and Section 16(a), (b), (c), (d) and (e) of the ordinance and governed by proceedings pursuant to the ordinance, as noted herein in findings No. 4 and No. 5 above and can expire pursuant to said conditions, but in no event later than March 22, 2017.

DATED: May 8, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY